

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF West Virginia

KATHERINE A. HOOVER MD
35 West Third Ave.
116 West Second Ave.
Williamson, W.Va.
Wes Banco
Charleston, W.Va.
Bridgeport, W.Va.

Case No. 2:10-MJ-00037
and relevant numbers
00028 through 00036
Magistrate Judge Mary Stanley

MOTION TO STRIKE MS. SCHWARTZ'S RESPONSE
AND TO REMOVE MS. SCHWARTZ AND MR. R. BOOTH
GOODWIN FROM THIS CASE

NOW COMES Katherine A. Hoover MD, pro se, to inform the Court of the ethical and legal violations committed by Ms. Schwartz.

Assistant U.S. attorney, Ms. Monica Schwartz, after several communications, failed to give Katherine A. Hoover MD, pro se, proper notice or case numbers. Ms. Schwartz had the proper address since March 8, 2010. Without proper notice, no case numbers were available to file a motion. The only number that Dr. Hoover obtained after a number of telephone calls was 37, but Katherine A. Hoover MD was unaware of what the number pertained to. Ms. Schwartz never gave Dr. Hoover, John Tomasic, her husband, or Stephen Tomasic, her son, legal notice of what was taken. The sixty day time limit has long expired. Ms. Schwartz never sent an inventory list for any property taken from 35 West Third Ave., 116 West Second Ave. Williamson, W.Va. or for the money (\$85,127.08) that she seized with a fraudulent affidavit from Wes Banco. Because no notice was filed, everything must be immediately returned (18 USC ~~Sec. 983~~ Title 18 Part 1 Chapter 46 Sec. 983 (a)(1)(A)(i)).

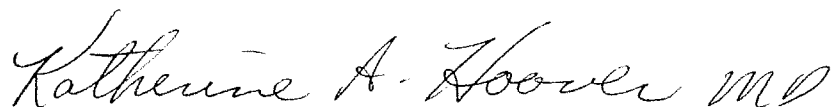
Ms. Schwartz is guilty of violating West Virginia law Article 4 § 60-4-410, by causing informants to invade 35 West Third Ave. Williamson, W.Va. (the office) and telling them to lie to the doctor who saw them. The doctor can not be charged when the informants lie, but Ms. Schwartz and the informants can be charged. Ms. Schwartz and others are guilty of producing false affidavits to obtain money and personal property from Katherine A. Hoover MD. Ms. Schwartz is guilty of ethics violations including Rule 3.7 because she will clearly be a witness regarding the false affidavits. Ms. Schwartz, in collusion with Judge Stanley, committed grand larceny and fraud for the United States of America.

Ms. Schwartz is in total ethical and criminal violation of her oath of office and her duty to represent the United States of America (see *Berger v. United States* 295 U.S. 78, 88 (1935)). Ms. Schwartz and Judge Stanley have violated the public confidence in the administration justice "justice must satisfy the appearance of justice." *United States v. Johnson*, 690 F. 2d 638 (7th Cir. 1982). Ms. Schwartz's primary purpose is to protect herself and, because of this, her answer must be struck and she should be removed from this case along with R. Booth Goodwin. R. Booth Goodwin and his father, Judge Robert Goodwin have demonstrated bias against doctors in Southern West Virginia.

WHEREFORE, Katherine A. Hoover MD, pro se, requests that Ms. Monica Schwartz's response be struck and that Ms. Schwartz and Mr. R. Booth Goodwin be removed from this case.

c/o Dr. Norman Gay
247 West Bay Street
Nassau, N.P., Bahamas
fax: 242-328-4014
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Respectfully submitted,

A handwritten signature in cursive script that reads "Katherine A. Hoover MD". The signature is written in dark ink and is positioned above the printed name of the signatory.

Katherine A. Hoover MD